

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNIVERSAL TUBE & ROLLFORM
EQUIPMENT CORPORATION

Plaintiff,

-VS-

YOUTUBE, INC., CHAD HURLEY,
AND STEVE CHEN

Defendants.

Case No. 06-2628

Judge: James G. Carr

**PLAINTIFF'S MOTION FOR LEAVE
TO FILE SURREPLY IN
OPPOSITION TO DEFENDANT'S
MOTION TO DISMISS**

Plaintiff, Universal Tube & Rollform Equipment Corporation ("uTube"), by and through its undersigned attorneys, respectfully requests leave to file a Surreply in opposition to Defendants' Motion to Dismiss.

Defendants' lengthy 16 page reply brief raises numerous new arguments that have not been argued or referenced in any previous filings. In addition to the new arguments, Defendants assert a number of clearly erroneous legal interpretations in responding to previous issues. uTube deserves an opportunity to respond to these new arguments and faulty interpretations and has attached its proposed Surreply hereto.

Therefore, Plaintiff uTube respectfully requests that this Court accept for filing, the attached Surreply.

A proposed order is attached.

DATED: April 13, 2007

Respectfully Submitted,

/s/ Anthony J. DeGidio

Anthony J. DeGidio (# 0069064)
Fraser Martin & Miller LLC
28366 Kensington Lane
Perrysburg, OH 43551-1401
419-874-1100
Fax: 419-874-1130
Email: tony@cyberlawyer.com
Co-Counsel for Plaintiff, Universal Tube
& Rollform Equipment Corporation

/s/ Richard G. Martin
Richard G. Martin (# 0043822)
Fraser Martin & Miller LLC
28366 Kensington Lane
Perrysburg, OH 43551-1401
419-874-1100
Fax: 419-874-1130
Email: martin@fraser-ip.com
Co-Counsel for Plaintiff, Universal Tube
& Rollform Equipment Corporation

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion for Leave to file Surreply was filed electronically this 13th day of April 2007. Parties may access this filing throughout the Court's system. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system or via electronic or U.S. Mail.

/s/ anthony degidio
Anthony J. DeGidio, Esq.